

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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Executive Director  
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Southern District of New York  
*Jennifer L. Brown*  
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November 8, 2023

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. Haji Najibullah,**  
**(S2) 14 Cr. 401 (KPF)**

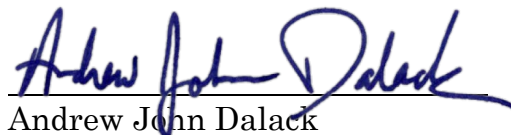
Dear Judge Failla,

I write on behalf of the parties to request a slight adjustment of the Government's deadline to respond to the defense's omnibus Rule 12 motion, filed on August 25, 2023, and of the defense's deadline to reply.

Presently, the Government's opposition is due on Friday, November 10, 2023, which happens to be a court holiday in observance of Veteran's Day. Accordingly, the Government seeks leave to file its response on Monday, November 13, 2023, and the defense has no objection. Relatedly, the defense seeks a comparable extension of its deadline to reply, from Friday, December 1, 2023, to Tuesday, December 5, 2023. The Government does not object to this request.

This is the second request to adjust the Rule 12 motions schedule set by the Court on July 24, 2023 (dkt. no. 91). I thank the Court for its consideration of this application.

Respectfully Submitted,



Andrew John Dalack  
Mark Gombiner  
Samuel Jacobson  
Ariel Werner  
Assistant Federal Defenders  
Tel.: (212) 417-8768

Cc: Government Counsel

Application GRANTED. The Government's submission shall be due on or before **November 13, 2023** and the Defense's submission shall be due on or before **December 5, 2023**.

The Clerk of the Court is directed to terminate the pending motion at docket number 96.

Dated: November 9, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE